

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF TENNESSEE - WESTERN DIVISION

SCOTT TURNAGE, CORTEZ D. BROWN, DEONTAE
TATE, JEREMY S. MELTON, ISSACCA POWELL,
KEITH BURGESS, TRAVIS BOYD, TERRENCE
DRAIN, and KIMBERLY ALLEN on behalf of
themselves and all similarly situated persons,

Plaintiffs,

v.

BILL OLDHAM, in his individual capacity as former
Sheriff of Shelby County, Tennessee; FLOYD BONNER,
JR., in his official capacity as Sheriff of Shelby County,
Tennessee; ROBERT MOORE, in his individual capacity
as former Jail Director of Shelby County, Tennessee;
KIRK FIELDS, in his official capacity as Jail Director of
Shelby County, Tennessee; CHARLENE McGHEE, in
her individual capacity as former Assistant Chief of Jail
Security of Shelby County, Tennessee; REGINALD
HUBBARD, in his official capacity as Assistant Chief of
Jail Security of Shelby County, Tennessee; DEBRA
HAMMONS, in her individual capacity as former
Assistant Chief of Jail Programs of Shelby County,
Tennessee; TIFFANY WARD in her official capacity as
Assistant Chief of Jail Programs of Shelby County,
Tennessee; SHELBY COUNTY, TENNESSEE, a
Tennessee municipality; TYLER TECHNOLOGIES,
INC., a foreign corporation; GLOBAL TEL*LINK
CORPORATION, a foreign corporation; SOFTWARE
AG USA, INC., a foreign corporation; and SIERRA-
CEDAR, INC., a foreign corporation, SIERRA
SYSTEMS GROUP, INC., a foreign corporation.

Defendants.

**Case No. 2:16-cv-2907-
SHM/tmp**

**DECLARATION OF F.
SCOTT CONAWAY**

**DECLARATION OF F. SCOTT CONAWAY CONFIRMING
COMPLETION OF CLASS NOTICE REQUIREMENTS**

I, F. Scott Conaway, being duly sworn, depose and say under oath as follows:

1. My name is F. Scott Conaway, and I am an adult resident and citizen of the State of Tennessee. I am the managing member of CMM Settlement Solutions, LLC (hereinafter “CMM”), which was appointed by this Court to serve as the Notice and Claims Administrator in this case. I am responsible for supervising all class action administration services provided by CMM, am personally involved in the management of the administration of this proposed class action settlement and, therefore, have personal knowledge of the facts set forth herein below.

2. I was provided with a copy of the Parties Settlement Agreement and a copy of the Court’s Order of August 11, 2021 (D.E. 376) Granting Motion for Preliminary Approval of Class Action Settlement, Certifying Settlement Class, Directing Class Notice and Scheduling Final Approval Hearing. (hereinafter “the Approval Order”). I understand that the Order (and Settlement Agreement) sets forth CMM’s responsibilities and duties related to the administration of this proposed class settlement.

3. The Approval Order established the method, manner, and form of the Class Notice to be provided in this case and directed CMM to conduct various tasks related to accomplishing class notice and administrating this settlement. As will be discussed more fully herein, CMM has fulfilled all of its duties and responsibilities related to the dissemination of the proposed class settlement notice as outlined in the Approval Order.

4. Specifically, as required by Paragraph 8.2 of the Approval Order, CMM, within 15 days of entry of the Approval Order, caused the Class Notice (in the form provided to CMM by Class Counsel and approved by the Court) to be published on three (3) separate occasions in the following

publications: *Tri-State Defender*, *Memphis Daily News*, *Memphis Flyer*, and the *Commercial Appeal*. These publications started on August 24, 2021, and continued through October 2, 2021. See, Collective **Exhibit A**- Exemplars of each Publication. In addition, pursuant to Paragraph 8.3, prior to publication, CMM created the settlement website with the Uniform Resource Locator at (www.shelbycountyjailclassaction.com). (the “Website”) . The Website does not include any advertising and does not bear any logos or trademarks of any person or company. It does, however, contain all relevant documents related to the case provided to CMM, including the Class Notice Of Proposed Class Action Settlement And Release of Claims, printable Claim Form, a Spanish version of Proposed Class Settlement, Motion and Memorandum of Law in Support of Plaintiff’s Motion for Approval of an Attorneys’ Fee Award and an Incentive Award to Named Class Representatives, Plaintiff’s Motion for Approval of an Attorneys’ fee Award and Incentive Award to Named Class Representatives, and supporting exhibits. The Website was published or “made live” on August 23, 2021, and has been consistently in existence since its original publication. To date, the Website has been frequently and consistently accessed or viewed 9,234 times since its launch. CMM does not have the capability of determine whether these views are unique or distinct views. In other words, the same Class Member could have viewed the website page on multiple occasions, and it would cause our view count to rise. In addition, simultaneously with launching of the Website, a live call center was created with both English and Spanish speaking operators to field calls from interested parties. To date, CMM has received 4,641 calls from separate and distinct telephone numbers. According to feedback from individuals willing to take a voluntary survey, interested parties using the website and call center have indicated that website is both informative and “user friendly.” To date, CMM has mailed out 2,742 claim forms to various individuals.

5. In addition, as required by Paragraph 8.2 of the Approval Order, CMM created and caused to be published internet banner advertising through a third-party internet advertising network provider. *See, Exhibit B-* Exemplar of the Internet Banner Ad. (“the Ad”) The Ad directed individuals to a landing page which was the Website and was displayed through *Google, FaceBook* and *Instagram* for a six (6) week period beginning on August 28, 2021. The Ad was shown and viewed 98,785 times by 34,448 individual and distinct viewers. Of these viewers, 7,363 clicked on the “Learn More” button and were taken to the Website. The average person saw the Ad 2.96 times and 35 individuals shared the Ad with family and friends through Facebook. Of the 7,363 individuals that clicked through to the landing page, 3,914 of these individuals accessed and printed the Claim Form from the Website.

6. CMM was provided with an Excel spreadsheet containing names and the most current physical addresses available for approximately 13,160 potential Class Members who were booked at the Shelby County Jail between November 1, 2016, and June 30, 2017 (“Mail Notice”). As required by Paragraph 8.4 of the Order, the Mail Notice in the form attached as Exhibit F of the Settlement Agreement was sent via United States Mail to all of these individuals beginning on August 27, 2021 and concluding on September 2, 2021.

7. In addition, the Approval Order required that Class Notice shall be published by posting at the Shelby County Criminal Justice Center located at 201 Poplar Avenue, Memphis, Tennessee 38103. Shelby County was to post notices at 201 Poplar: one at the public entrance to the Shelby County Jail, and one on the wall next to the elevators on the main floor. The notices were to be posted for 30 days following the Court’s entry of this Order approving the Joint Motion for

Preliminary Approval. A representative of CMM has confirmed that the required Class Notice was posted as required and in accordance with the terms of the Approval Order.

I, F. Scott Conaway, declare under penalty of perjury that the foregoing is true and correct.


F. SCOTT CONAWAY

EXECUTED ON: 10/29/21